

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Attorney Chad L. Thorson (Reg. No. 55,675) on January 08, 2009.

AMENDMENTS TO THE CLAIMS

Listing of the Claims:

Claims 1-46, and 51-67 have been cancelled.

Claims 47, 49, and 70-75 been amended as follow:

47. (Currently amended) A method comprising:
receiving a configuration upgrade message at a configuration server from a source of an
at least partial software upgrade;
saving upgrade information in a database associated with the configuration server;
identifying a plurality of users requiring at least partial software upgrade; ~~and~~
thereafter providing the at least partial software upgrade to respective terminal servers
associated with the plurality of users identified to require the at least partial software upgrade for

subsequent distribution by the terminal servers to respective terminals of users identified to require the at least partial software upgrade;

identifying any terminal servers, following the provision of the at least partial software upgrade to which the at least partial software upgrade has not yet been transferred; and

determining, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the at least partial software upgrade has not yet been transferred and, if so, providing the at least partial software upgrade to the terminal server.

49. (Currently Amended) A method comprising:

receiving an initial upgrade message in a configuration server from a service provider to provide an end service product;

receiving and saving an end service product in a database associated with the configuration server;

identifying a plurality of users having a contract requiring delivery of the end service product; ~~and~~

thereafter providing product information relating to the end service product to respective terminal servers associated with the plurality of users identified to have contracts requiring delivery of the end service product for subsequent distribution by the terminal servers to respective terminals of users identified to have contracts requiring delivery of the end service product;

identifying any terminal servers, following the provision of the end service product to which the end service product has not yet been transferred; and

determining, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the end service product has not yet been transferred and, if so, providing the end service product to the terminal server.

70. (Currently amended) A system comprising:

a configuration server unit for receiving a configuration upgrade message from a source of an at least partial software upgrade, for identifying a plurality of users requiring the at least partial software upgrade and for thereafter providing the at least partial software upgrade to respective terminal servers associated with the plurality of users identified to require the at least partial software upgrade for subsequent distribution by the terminal servers to respective terminals of users identified to require the at least partial software upgrade, the configuration server unit being further configured to identify any terminal servers, following the provision of the at least partial software upgrade, to which the at least partial software upgrade has not yet been transferred and to determine, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the at least partial software upgrade has not yet been transferred and, if so, provide the at least partial software upgrade to the terminal server, wherein said configuration server unit comprises a database for saving upgrade information provided by the source of the at least partial software

upgrade and for associating the saved upgrade information with the source of the at least partial software upgrade.

71. (Currently amended) A system comprising:

a configuration server unit for receiving an initial upgrade message from a service provider that is capable of providing an end service product, for identifying a plurality of users having a contract requiring delivery of the end service product and for thereafter providing product information relating to the end service product to respective terminal servers associated with the plurality of users identified to have contracts requiring delivery of the end service product for subsequent distribution by the terminal servers to respective terminals of users identified to have contracts requiring delivery of the end service product, the configuration server unit being further configured to identify any terminal servers, following the provision of the end service product, to which the end service product has not yet been transferred and to determine, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the end service product has not yet been transferred and, if so, provide the end service product to the terminal server, wherein said configuration server unit comprises a database for saving the end service product identified by an initial upgrade message from the respective service provider.

72. (Currently amended) An apparatus comprising:

an upgrade server unit for identifying a plurality of users requiring an at least partial software upgrade and for thereafter providing the at least partial software upgrade to

respective terminal servers associated with the plurality of users identified to require the at least partial software upgrade for subsequent distribution by the terminal servers to respective terminals of users identified to require the at least partial software upgrade, the upgrade server unit being further configured to identify any terminal servers, following the provision of the at least partial software upgrade, to which the at least partial software upgrade has not yet been transferred and to determine, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the at least partial software upgrade has not yet been transferred and, if so, provide the at least partial software upgrade to the terminal server, wherein a source of the at least partial software upgrade provides upgrade information saved in a database that associates the saved upgrade information with the source of the at least partial software upgrade.

73. (Currently amended) An apparatus comprising:

an upgrade server unit for identifying a plurality of users having a contract requiring delivery of an end service product and for thereafter providing product information relating to the end service product to respective terminal servers associated with the plurality of users identified to have contracts requiring delivery of the end service product for subsequent distribution by the terminal servers to respective terminals of users identified to have contracts requiring delivery of the end service product, the upgrade server unit being further configured to identify any terminal servers, following the provision of the end service product, to which the end service product has not yet been transferred and to determine, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal

server to which the end service product has not yet been transferred and, if so, provide the end service product to the terminal server, wherein a service provider capable of providing the end service product of the at least partial software upgrade provides an initial upgrade message identifying the end service product saved in a database.

74. (Currently amended) A computer program product comprising at least one computer-readable medium having computer-readable program instructions stored therein, the computer-readable program instructions comprising:

a first executable portion for receiving a configuration upgrade message from a source of an at least partial software upgrade;

a second executable portion for saving upgrade information in a database;

a third executable portion for identifying a plurality of users requiring at least partial software upgrade; ~~and~~

a fourth executable portion for thereafter providing the at least partial software upgrade to respective terminal servers associated with the plurality of users identified to require the at least partial software upgrade for subsequent distribution by the terminal servers to respective terminals of users identified to require the at least partial software upgrade;

a fifth executable portion for identifying any terminal servers, following the provision of the at least partial software upgrade to which the at least partial software upgrade has not yet been transferred; and

a sixth executable portion for determining, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to

which the at least partial software upgrade has not yet been transferred and, if so, providing the at least partial software upgrade to the terminal server.

75. (Currently amended) A computer program product comprising at least one computer-readable medium having computer-readable program instructions stored therein, the computer-readable program instructions comprising:

a first executable portion for receiving an initial upgrade message from a service provider to provide an end service product;

a second executable portion for saving an end service product in a database;

a third executable portion for identifying a plurality of users having a contract requiring delivery of the end service product; ~~and~~

a fourth executable portion for thereafter providing product information relating to the end service product to respective terminal servers associated with the plurality of users identified to have contracts requiring delivery of the end service product for subsequent distribution by the terminal servers to respective terminals of users identified to have contracts requiring delivery of the end service product;

a fifth executable portion for identifying any terminal servers, following the provision of the end service product to which the end service product has not yet been transferred; and

a sixth executable portion for determining, in response to activation of a terminal associated with a terminal server, if the terminal server has been identified as a terminal server to which the end service product has not yet been transferred and, if so, providing the end service product to the terminal server.

ALLOW SUBJECT MATTER

1. This office action is in response to the Pre-Appeal Brief filed on October 24, 2008 and was interviewed on January 08, 2009.
2. Applicant amended claims 47, 49, and 70-75, cancelled claims 1-46, and 51-67.
3. Claims 47-50, and 68-75 (currently renumbered as claims 1-12) are allowable over the prior art of record.
4. This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Pre-Appeal Brief filed on October 24, 2008 and further with the examiner's amendments (See Attaches) point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC NGUYEN whose telephone number is (571)272-3919. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC NGUYEN/
Examiner, Art Unit 2443

January 18, 2009